

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	93 CR 200 ² 4 - 3	DATE	9/30/2004
CASE TITLE	United States vs. Tidwell		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:**DOCKET ENTRY:**

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse memorandum opinion and order, the court denies Tidwell's application to proceed on appeal without prepayment of fees.

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

No notices required, advised in open court.		number of notices	Document Number 2004
No notices required.		OCT 01 2004 date docketed	
Notices mailed by judge's staff.		 docketing deputy initials	
Notified counsel by telephone.		OCT 01 2004 date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		 mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
LC	courtroom deputy's initials	Date/time received in central Clerk's Office	

MEMORANDUM OPINION AND ORDER

Samuel Tidwell, a federal prisoner, filed an appeal from the denial of his motion filed pursuant to 18 U.S.C. § 3582(c)(2). He has now filed in this court an application to proceed on appeal without prepayment of fees under 28 U.S.C. § 1915.

In ruling on Tidwell's application, this court must determine whether his appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). An appeal is taken in good faith if a "reasonable person could suppose that the appeal has some merit." Walker v. O'Brien, 216 F. 3d 626, 632 (7th Cir. 2000).

Because Tidwell's section 3582(c)(2) motion was without merit, the court certifies that the appeal is not taken in good faith. Thus, the court denies Tidwell's application to proceed on appeal without prepayment of fees.